

Personnel

Employment Regulations

Employment  
Policies

**POLICY:**

- .01 The Laboratory considers all qualified applicants and selects the best qualified candidates available to fill vacant positions. Hiring policies and procedures conform with the Laboratory's commitment to affirmative action and equal employment opportunity. See [IPP 712](#).
- .02 Unless business necessity dictates controls on hiring from outside the Laboratory, both internal and external applicants are considered to fill available positions. The objective of providing promotional and transfer opportunities to career employees shall be considered.

**EMPLOYMENT OF NEAR  
RELATIVES:**

- .03 Near relatives may be employed at the Laboratory. However, no Laboratory employee may participate in performance assessments, decision-making processes, approvals, or other actions affecting the hiring, promotion, demotion, transfer, salary increase, discipline, retention, or termination of a near relative.

**NOTE:** The provisions of this policy and the following definitions also apply when the near-relative relationship is established after employment.

**Definitions**

- .04 **Near Relatives** are the employee's spouse, domestic partners, parents, brothers, sisters, children, stepparents, stepsisters, stepbrothers, stepchildren, parents-in-law, sisters-in-law, brothers-in-law, sons-in-law, and daughters-in-law, and immediate family members (parents, sisters, brothers, sons and daughters) of domestic partners.
- .05 **Organizational Units** are any official, formally organized team, group, office, center, or division in which a near relative is already employed. For example, if the employed near relative is a group-level manager or other group office employee, the organizational unit is the entire group.

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**Responsibilities**

- .06 ***Assisting*** — The organization's assigned Human Resources Generalist and representatives from the Staffing Group (HR-S) in the Human Resources Division identify situations that require review, verification, and monitoring of near-relative employment situations and assist managers in the performance of their responsibilities.
- .07 ***Requesting*** — The manager of the organizational unit in which a near relative is already employed is responsible for preparing the near-relative employment recommendation described in [.26](#).

**Approvals**

- .08 Near relatives may be employed in the same organizational unit when the division-level manager has approved such employment. Near-relative situations involving program or project offices, transfers, or reorganizations also require division-level approval.
- .09 The division-level manager may approve the employment of near relatives in the same organizational unit if such employment is in the best interests of the Laboratory and if, after reviewing the recommendation memorandum, the division-level manager is satisfied that a real or apparent conflict-of-interest is adequately precluded.

**REHIRE OF FORMER EMPLOYEES:****Voluntary Terminations**

- .10 Employees who voluntarily terminate may be considered for rehire in appropriate openings.

**Terminations Because of a Reduction-in-Force (RIF)**

- .11 Regular employees who were terminated because of a RIF and are later rehired into regular employment may be required to reimburse to the Laboratory all or a portion of the severance pay they received. Candidates are considered internal Laboratory applicants indefinitely after the RIF termination date. See [AM 114](#), *Reduction-in-Force*.

**Terminations for Poor**

- .12 Employees terminated for unsatisfactory

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performance are eligible for rehire with no waiting period.

**Other Terminations**

- .13 The following former employees of the Laboratory are eligible to be considered for reemployment after 7 years from the date of separation:

Those who were terminated for cause;

**NOTE:** For-cause terminations do not include termination for poor performance. See [.12](#).

Those who were terminated because the Department of Energy (DOE) denied or revoked their clearances; and

**NOTE:** Employees who were terminated after having their clearances revoked are eligible to apply for positions that do not require a security clearance with no waiting period.

Those who resigned in lieu of being terminated for the reasons cited above.

When they apply, former employees who were terminated for cause or who resigned in lieu of termination for cause are evaluated, by the hiring manager, after the appropriate waiting period for reemployment based on the reason(s) for termination. While former employees terminated because of denial or revocation of clearance may be considered after 7 years, DOE has the sole responsibility for determining whether a clearance will be issued or reinstated.

**EMPLOYMENT OF MINORS:**

- .14 The Laboratory hires individuals under 18 years old for Special Employment Programs only. The minor is permitted to work only in those specific areas reviewed by the appropriate Health, Safety and Radiation Protection (HSR) Division personnel and approved by the appropriate facility manager.

**TEAM LEADER POSITIONS:**

- .15 A Team Leader is not part of the management structure; for TSM Team Leaders, the group-level manager has the option of either appointing an employee to fill the Team Leader position or choosing the Team Leader as the result of a competitive process. Structured Series Team Leader

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positions must be filled by advertising and filling the position competitively.

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| <b>Reassignment of Team Leaders</b>     | .16 | Team Leaders serve at will and may be reassigned to other positions. When a reassignment is considered, the Team Leader's manager initiates the action with the concurrence of the next higher-level manager. Reassignment from a Team Leader position may be the subject of a formal complaint under AM 111 only if the complaint alleges that impermissible discrimination or retaliation in violation of law or Laboratory policy motivated the reassignment. See <a href="#">AM 111</a> .                                                                   |
| <b>MANAGEMENT POSITIONS:</b>            | .17 | Managers are competitively selected but serve at will and can be reassigned to other management or nonmanagement positions. When a reassignment is considered, the manager's manager initiates the action with the concurrence of the next higher-level manager. Reassignment from a management position may be the subject of a formal complaint under <a href="#">AM 111</a> only if the complaint alleges that impermissible discrimination or retaliation in violation of law or Laboratory policy motivated the reassignment. See <a href="#">AM 111</a> . |
| <b>JOB SHARING:</b>                     | .18 | With mutual concurrence of management and the two employees, two half-time employees may share the responsibility of a single job.                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>EMPLOYMENT OF FOREIGN NATIONALS:</b> | .19 | Individuals who are not citizens of the United States may be employed by the Laboratory to work on research and development projects that require unique talents or skills necessary to accomplish Laboratory objectives. Foreign nationals are normally limited to unclassified work in non security areas; see <a href="#">23</a> .                                                                                                                                                                                                                           |
|                                         | .20 | Employment of foreign nationals at the Laboratory is subject to federal law and Immigration and Naturalization Service (INS) regulations.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Eligibility for Employment</b>       | .21 | Foreign nationals who possess immigrant visas (permanent resident aliens) are eligible for regular Laboratory employment. Foreign nationals who are issued nonimmigrant visas by the INS and are                                                                                                                                                                                                                                                                                                                                                                |

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authorized to work in the United States are eligible for limited-term employment only. See [AM 1213](#).

**Approvals**

- .22 The group-level manager initiates the employment of foreign nationals by the Laboratory. The division-level manager reviews the hiring action. The Director can approve *some* requests for the employment of foreign nationals; some require the approval of DOE. The Personnel and Information Security Group (S-6) coordinates the approval and determines whether DOE approval is necessary. (*See procedures in .28-.29.*)
- .23 *Security Clearances* – Security clearances are not initiated for foreign nationals. Exceptions require approval of the Director.

**REQUESTS FOR VERIFICATION OF EMPLOYMENT**

- .24 Requests for verification of employment should be directed to the Personnel Records Team in the Human Resources Division's Benefits and Employment Services Group (HR-B). HR-B orally confirms that an individual is or was an employee, states job title and hire/termination date, and verifies salary. Requests for additional information or requests for a written response must be sent in writing on the requesting company's letterhead to the Payroll Team in the Accounting Group (CFO-1) with the employee's written consent to release information such as salary history. See also [AM 628](#), *Access to Personal Information*; [AM 701](#), *Government Property*; and [AM 730](#), *Intellectual Freedom*.

**REFERENCE REQUESTS:**

- .25 An employee may respond to a reference request. (*The release of certain kinds of information may require the consent of the individual; see [AM 628](#) for details on the release process.*) The reference, however, shall not be false, deliberately misleading, or given with malicious purpose, and it should be clear that the opinions in the reference are those of the writer and not of the University of California and/or the Laboratory.

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These procedures effective until further notice.
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**Employment Policies****PROCEDURES:****Near Relatives**

- .26 ***Preparing the Recommendation*** — The recommendation for approval includes an analysis of the advantages and disadvantages of concurrent near-relative employment in the same organizational unit and a complete description of

The working or supervisory relationship, if any, between the near relatives;

The possibility, if any, of the near relatives having the same immediate supervisor; and

Whether the proposed concurrent near-relative employment will result in either employee having access to personnel or confidential information pertaining to or affecting the other.

Recommendations must also describe how the conflict-of-interest situations listed in .03 will be avoided.

- .27 ***Routing*** — The line organization sends the recommendation for approval through the Human Resources Division Office (HR-DO). The HR-DO coordinates review by Laboratory Counsel (LC) before requesting approval. The approved recommendation must accompany the Personnel Action form (PA).

**Foreign Nationals**

- .28 When considering a foreign national for employment, supervisors should contact Foreign Visits & Assignments (FV&A) at least 3 months before the proposed starting date to initiate the processing for the appropriate visa. On or before the date of hire, the prospective employee must meet with FV&A personnel to discuss current and future visa requirements. The prospective employee must bring passport and visa documentation to the meeting. See [AM 1213](#). Supervisors can contact their organization's assigned Human Resources Generalist or HR-S about any required administrative and salary approvals.
- .29 If a foreign national employee will be working in an area not requiring a clearance, the sponsoring line manager submits a FORM 982 (Request for

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Unclassified Visit or Assignment by a Foreign National). Contact S-6 for the required procedures when a foreign national will be working in a secure area. The line manager must receive notice of approval before the prospective employee can begin to work.

**Health Insurance**

- .30 Foreign national employees should be encouraged to obtain adequate health insurance coverage. Subject to eligibility, foreign employees may select one of the University of California plans.